



BOSTON
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
33 ARCH STREET, 24TH FLOOR
BOSTON, MA 02110-1424

March 13, 2025

By ECF (courtesy copy to chambers and counsel)

Honorable Andrew L. Carter, Jr., United States District Judge
United States District Court for the Southern District of New York
Thurgood Marshall Courthouse, 40 Foley Square
New York, NY 10007

**Re: *Securities and Exchange Commission v. Zhabilov et al.*, 1:24-cv-007362 (ALC)
Request for Conference**

Dear Judge Carter:

Plaintiff Securities and Exchange Commission (the “Commission”) is writing to ask that the Court jointly schedule *both* a pre-motion conference as to the proposed motions to dismiss to be filed by certain Defendants (the “Moving Defendants”) *and* the initial scheduling conference for the remaining Defendants who have answered the Complaint (the “Answering Defendants”).

As the Court is aware, Fed. R. Civ. P. 26(f) requires the parties to “confer as soon as practicable.” Accordingly, the Commission has drafted a proposed scheduling order for discovery, but thus far only the Answering Defendants have agreed to confer with the Commission about a scheduling order. The Moving Defendants have indicated that they do not intend to confer with the Commission on a scheduling order until after the pre-motion conference.

Plaintiff submits that it would be in the interest of justice for the Court to schedule a simultaneous pre-motion and scheduling conference for all parties, so that the Commission can agree on a briefing schedule with the Moving Defendants and the Court can enter a scheduling order so that discovery can commence with respect to the Answering Defendants.

The defendants¹ have advised the Commission that they oppose this request for conference, stating, *inter alia*, that the Court already has requests for a pre-motion conference pending that the Court will rule on in its own time, and that the Commission’s request for conference is therefore unnecessary.

¹ The Commission did not receive a response from Mr. Ray or counsel for Mr. Farber and Wexford Industries, Ltd.

Hon. Andrew L. Carter, Jr.

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We appreciate the Court's consideration.

Sincerely,

/s/ Marc J. Jones

Marc Jones, Senior Trial Counsel
Nita Klunder, Senior Enforcement Counsel
Rua Kelly, Senior Trial Counsel
Securities and Exchange Commission

cc: All defense counsel (via ECF and email)